

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

CRAIG CUNNINGHAM

v.

CBC CONGLOMERATE LLC, ET AL.

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Civil Action No. 4:17-CV-793

(Judge Mazzant/Judge Nowak)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 4, 2019, the report of the Magistrate Judge (Dkt. #144) was entered containing proposed findings of fact and recommendations that Defendants' Motion for Partial Summary Judgment (Dkt. #123) be granted in part and denied in part, and Plaintiff's Partial Motion for Summary Judgment (Dkt. #125) be denied.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants' Motion for Partial Summary Judgment (Dkt. #123) is **GRANTED IN PART**; Defendants are entitled to summary judgment on Plaintiff's claims asserted pursuant to 47 U.S.C. § 227(b) and Texas Business and Commerce Code § 305.053 for those calls that occurred on October 12, 2017, October 13, 2017, and October 23, 2017. All other and/or further relief requested in Defendants' Motion for Partial Summary Judgment (Dkt. #123) is **DENIED**. Plaintiff's Partial Motion for Summary Judgment (Dkt. #125) is **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 7th day of January, 2020.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE